

REMARKS

The above amendments and these remarks are responsive to the non-final Office Action issued on June 18, 2007. By this response, claims 1, 2 and 11 are amended, and claims 12-15 are newly presented. No new matter is added. Claims 1-9 and 15 are now active for examination.

The Office Action

The Office Action rejected claims 1-9 and 11 under 35 U.S.C. §102(e) as being anticipated by Antilla et al. (U.S. Patent No. 6,721,542). It is respectfully submitted that the claim rejection is overcome in view of the amendments and/or remarks presented herein.

Claim 1 describes a program for execution by a mobile terminal device. The mobile terminal device includes a first communicator, a second communicator and a button. The first communicator is configured to transmit and receive a wireless communication signal to and from a network base station. The second communicator is configured to receive contents and does not transmit the wireless communication signal. When the button is activated, the program is received by the second communicator from a server other than the network base station, in exchange for a wireless communication signal being unable to be transmitted from the fist communicator.

Appropriate support for the amendment can be found in, for instance, page 4, ln. 16 through page 5, ln. 21, and page 12, lns 8-13 of the written description.

For instance, an exemplary mobile terminal device allows a user to activate a button to disable transmitting or receiving a wireless communication signal to/from a network base station, in exchange for receipt of a program or content signals, such as specialized programs, new services or contents, from a server. In other words, the terminal device now can only receive contents from the

server, but cannot transmit signals to the base station of a communication network. Therefore, no disturbing phone rings would come up from the terminal device.

However, Atilla fails to disclose every claim limitation.

Antilla relates to a portable device 14 that includes a switch 336 that prevents simultaneous transmissions and receptions of wireless communication signals to and from network base stations. Separately, Antilla also describes downloading programs from the same network base stations.

In rejecting claim 1, the Office Action asserted that the transceiver 312 to be corresponding to the claimed first communicator, and that the flash memory 328 to be corresponding to the claimed second communicator. It was contended that the switch 336 is activated, nothing is transmitted when programs are downloaded to the flash memory 328. See page 3, first paragraph of the Office Action.

However, it is respectfully submitted that when the mobile device intends to download a program, that program is downloaded from the network base station. In other words, the program downloaded to the Antilla's mobile device is from the network base station, not from a server as described in claim 1. Accordingly, Antilla fails to disclose that "when the button is activated, the program is received by the second communicator from a server other than the network base station," as recited in claim 1.

Furthermore, the switch 336 prevents simultaneous transmissions and receptions of the same transceiver 312, i.e., the accused first communicator. Accordingly, the activation of switch 336 is directed to the same device 312, and does not perform any exchange between a reception of a program by a second communicator and prohibition of transmission of the first communicator.

Therefore, claim 1 is patentable over Antilla. Favorable reconsideration of claim 1 is respectfully requested.

Independent claims 2 and 11 include descriptions related to activating a button to disable transmitting or receiving a wireless communication signal to/from a network base station, in exchange for receipt of a program or content signals from a server.

As discussed earlier relative to claim 1, even if the switch 312 allegedly prevents the transceiver 312 from transmitting wireless communication signals to a network base station, the program is downloaded from the network base station via the transceiver 312, not from a server other than the network base station. Accordingly, Antilla fails to disclose that when the decision button has been activated, the wireless communication signal is not transmitted by the network communicator to the network base station, in exchange for receipt of predetermined contents transmitted from the server by the content receiver, as described in claims 2 and 11. Therefore, claims 2 and 11 are patentable over Antilla. Favorable reconsideration of claims 2 and 11 is respectfully requested.

Claims 3-9 depend on claims 1 and 2, respectively, and incorporate every limitation thereof. Consequently, claims 3-9 are patentable over the documents of record by virtue of their dependencies. Favorable reconsideration of claims 3-9 is respectfully requested.

New Claims 12-14 Are Patentable

Claims 12-14 depend on claims 1, 2 and 11, respectively, and further specify that the second communicator or the content receiver does not receive wireless communication signals from wireless base systems. In contrast, the receiver 316 or the flash memory 328 in Antilla receives wireless communication signals from network base stations when programs or contents are downloaded to the handset. Accordingly, claims 12-14 are patentable over Antilla by virtue of their dependencies as well as based on their own merits. Favorable consideration of claims 12-14 is respectfully requested.

Second Request for Acknowledgement of Consideration of Prior Art

In the Response filed on March 30, 2007, Applicants pointed out the Office Action failed to acknowledge consideration of JP2001223786A, which was submitted by an Information Disclosure Statement filed on August 14, 2006 with English abstract, and requested that acknowledgement of consideration of that document be made and a properly initialed 1449 form be sent to Applicants. However, the Office Action again omitted to acknowledge review of the document. It is respectfully requested that the Examiner expressly acknowledge consideration of that document and send a properly initialed 1449 form to Applicants.

Conclusion

For the reasons given above, Applicants believe that this application is conditioned for allowance and request that the Examiner give the application favorable consideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Wei-Chen Nicholas Chen – Reg. No.: 56,665/
Wei-Chen Nicholas Chen
Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WC:pab
Facsimile: 202.756.8087
Date: November 1, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**

WDC99 1486034-1.062758.0074